



Council Report

To: The Honorable Mayor and City Council

From: Maxine Calloway, Esq., A.I.C.P., Director of Community Planning & Development

Date: June 12, 2012

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A WAIVER OF PLAT FOR THE PROPERTY LOCATED AT 535 NW 121 STREET, IN ACCORDANCE WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI LAND DEVELOPMENT REGULATIONS AND CHAPTER 28 OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the City Council approves the proposed Resolution, for the proposed waiver of plat request, with conditions, for the property located at 535 NW 121 Street in North Miami.

PLANNING COMMISSION RECOMMENDATION

At its meeting on June 4, 2012 the Planning Commission reviewed and discussed the proposed Resolution for the waiver of plat request and agreed that it allows for the future re-subdivision of the site and provides a fiscal benefit to the City in that it generates additional tax revenue and is consistent with the current development pattern of the surrounding neighborhood. As such, the Commission rendered a unanimous vote of 4-0 recommending approval of the proposed resolution along with the conditions outlined in this report.

BACKGROUND INFORMATION

The applicant (Christine Lopez) proposes to subdivide the lands located at 535 NW 121 Street from one (1) single family lot into two (2) separate single family lots. **The property is zoned R-2 and consists of 28,350 square feet (or 0.65 acres) in size.** The site currently contains a 1,865 square foot single family home to the east and a 1,185 square foot accessory unit (with no kitchen facility) to the west. If approved, the property would be re-platted to allow the property owner to add a kitchen to the accessory unit and convert the structure into a permanent single family residence, with a lot size of 8,100 square feet (or 0.19 acres). The existing structure on the second lot (east) will remain and have a lot size consisting of 20,250 Square Feet (or 0.46 acres). Both lots will be conforming in size and meets the requirements as set forth in Section 4-203 of the City's Land Development Regulations. The lots both exceed the required lot dimensions of 6,000 square feet in size, 60 feet in width and depth of 100 feet. The waiver of plat request is

subject to the requirements of Chapter 28 of the Miami-Dade County Code of Ordinance as well as Section 3-802 of the City's Land Development Regulation (LDR).

CONCLUSION

Staff has reviewed the proposed waiver of Plat pursuant to Section 3-802 of the City's LDR and is of the opinion that the plat conforms to all zoning and Comprehensive Plan regulations and has addressed all the conditions of the City's contract surveyor Craven Thompson and Associates. As such, staff recommends approval subject to the following conditions:

1. The accessory structure on the proposed westerly lot currently has a rear-yard setback of 20'. However, the required minimum setback for a single-family home is 25'. As such, upon final approval of the Waiver of Plat by City Council, the applicant must contact the City's Zoning Administrator to apply for an administrative variance.
2. The current driveway must be removed where it straddles the shared property line between the proposed properties, as the required side-yard setback for driveways is 5'.
3. After Council approval the applicant shall deliver a signed copy of the resolution to Miami-Dade Plat Committee along with copies of the survey and file a request for County review. Applicant must furnish a copy of the Plat Committee's report to City staff for their records.
4. Upon approval by the Miami-Dade Plat Committee and prior to final recordation, the applicant shall submit final mylars to the Director of Community Planning and Development.
5. Upon approval by the Miami-Dade Plat Committee the applicant shall be responsible for recording the final plat and City resolution with the County Clerk and also request new folio numbers from the property appraiser's office.
6. Contact Miami Dade County School District and pay the applicable fees in order to satisfy school concurrency requirements prior to final Council adoption.
7. Applicant shall contact City engineer in order to install new water service for 545 NW 121 Street.
8. Applicant shall contact City engineer in order to install new sewer service for 545 NW 121 Street.

TWS: mc

Attachments:

1. Proposed Resolution
2. Exhibit 1 – Survey
3. Letter of intent

Letter of intent

To whom it may concern,
the reason behind seperating the lot
into two folio nr is to be able to have 2
electric meters (one for each home) and
two legal kitchens. Any questions please
feel free to contact me.

Best Regards

Christine Lopez

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
APPROVING A WAIVER OF PLAT FOR THE PROPERTY
LOCATED AT 535 NW 121 STREET, IN ACCORDANCE
WITH SECTION 3-802 OF THE CITY OF NORTH MIAMI
CODE OF ORDINANCES AND CHAPTER 28 OF THE
MIAMI-DADE COUNTY CODE OF ORDINANCES;
PROVIDING FOR AN EFFECTIVE DATE AND ALL
OTHER PURPOSES.**

WHEREAS, the property owner Christine Lopez ("Applicant"), proposes to subdivide the lot located at 535 NW 121 Street from one (1) single family lot into two (2) separate single family lots, pursuant to Article 3, Division 8, Section 3-801 of the City of North Miami ("City") Code of Ordinances, Land Development Regulations ("LDRs") and Chapter 28 of the Miami-Dade County Code of Ordinances ("County Code"); and

WHEREAS, the County Code requires the City to approve the proposed waiver of plat pursuant to the requirements of Section 3-802 of the LDRs and County Code; and

WHEREAS, the LDRs require the Planning Commission to review the proposed waiver of plat at a regularly scheduled public hearing, to ensure that it conforms to the City's Comprehensive Plan; and

WHEREAS, on June 5, 2012, the Planning Commission conducted its review and found that the Applicant's proposed waiver of plat, conforms with the LDRs and the City's Comprehensive Plan; and

WHEREAS, the Planning Commission recommends to the Mayor and City Council, the approval of the proposed waiver of plat with conditions; and

WHEREAS, the Mayor and City Council find that the waiver of plat, as proposed by the Planning Commission, is consistent with the LDRs and the City's Comprehensive Plan and does not adversely affect the public health, safety, and general welfare.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

Section 1. Approval of Waiver of Plat. The Mayor and City Council of the City of North Miami, Florida, hereby, approve a waiver of plat for the property located at 535 NW 121 Street, in accordance with Section 3-802 of the City of North Miami Code of Ordinances and Chapter 28 of the Miami-Dade County Code of Ordinances, attached hereto as "Exhibit 1".

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of June, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

| | | |
|--------------------------------------|-------------|------------|
| Mayor Andre D. Pierre, Esq. | _____ (Yes) | _____ (No) |
| Vice Mayor Jean R. Marcellus | _____ (Yes) | _____ (No) |
| Councilperson Michael R. Blynn, Esq. | _____ (Yes) | _____ (No) |
| Councilperson Scott Galvin | _____ (Yes) | _____ (No) |
| Councilperson Marie Erlande Steril | _____ (Yes) | _____ (No) |